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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|-------------------------|
| 09/966,903 | 09/27/2001 | Mark D. Tilden | 11953/7:2 | 5675 |
| 7590 | 07/15/2004 | | | EXAMINER KANG, INSUN |
| Micah D. Stolowitz STOEL RIVES LLP 900 SW 5th Ave. Portland, OR 97204-1268 | | | ART UNIT 2124 | PAPER NUMBER |

DATE MAILED: 07/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|-------------------------|--|
| Office Action Summary | Application No. | Applicant(s) |  |
| | 09/966,903 | TILDEN ET AL. | |
| | Examiner Insun Kang | Art Unit 2124 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 2/26/2002, 1/24/2002 and 9/27/2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-12 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 September 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/26/02.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____

DETAILED ACTION

1. This action is responding to application papers dated 2/26/2002, 1/24/2002 and 9/27/2001.
2. Claims 1-12 are pending in the application.

Claim Objections

3. Claims 1 and 10 are objected to because of the following informalities: there appears to be a typographical error in line 11 of claim 1 and line 18 of claim 10: "at least one of the said software components" needs to be corrected by eliminating either "the" or "said." Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, line 2, the term "adapted to" is unclear. It has been held that the recitation that an element is "adapted to" perform a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. *In re Hutchison*, 69 USPQ 138. Correction is required.

Also, in lines 25 and 26, the phrase, "the expression data/argument" is unclear whether it means that both data and argument is identified.

Claim Rejections - 35 USC § 101

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claim 12 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 12 is non-statutory because it is directed to a “rules based scripting language” without recitation of a computer or a computer-readable medium embodying the language. The claim merely recites a “rules based scripting language” that is disembodied arrangement so as to be called a “computer program,” programming language, compilation of facts, information, or data *per se*, without creating any functional interrelationship, either as part of the stored data or as part of the computing processes performed by the computer (“acts”) or computer readable medium so as to enable the computer to perform the claimed features as recited. Thus the claim represents non-functional descriptive material that is not capable of producing a useful result, and hence represents only abstract ideas. Therefore, the claim is non-statutory.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section

351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Helgeson et al. (US Pub. 20020049749) hereinafter referred to as "Helgeson."

Per claim 1:

Helgeson discloses:

- providing a plurality of software components at least one of which is derived from a common base class and arranged for operation in the distributed software system ("In a preferred embodiment all business objects that Saba's Application server manipulates are derived from a single base class called SabaObject. The SabaObject class provides save, restore, and delete capabilities by implementing the persistence layer architecture. All subclasses of SabaObject then inherit this behavior and rarely if ever override it," paragraph 0250)

-providing an executable general container process ("when the container decides to synchronize the bean's state with the database if the bean's data has been changed by the client application. The container's decision is based on such factors as transactions, concurrency, and resource management. The container will remove the data from persistent store when the remove() method is called by a client on an entity bean," 0383)

-creating a configuration file readable by the general container process for configuring the container process and including therein identification of at least one of the said software components ("the deployment descriptor is an XML file that declares such things as container-managed persistent fields and security and transactional

characteristics of the bean and its methods," paragraph 0414)
-in the general container process, reading the configuration file at run time and loading the software components identified in the configuration file for subsequent execution; and further providing at least one rule set associated with one of the identified software components derived from the common base class for controlling process flow during execution of the corresponding component, responsive to run time conditions, without having to modify the component source code ("In a preferred embodiment all business objects that Saba's Application server manipulates are derived from a single base class called SabaObject. The SabaObject class provides save, restore, and delete capabilities by implementing the persistence layer architecture. All subclasses of SabaObject then inherit this behavior and rarely if ever override it," paragraph 0250; "Saba's learning application provides a set of pre-defined business rules that affect the workflow and behavior of various business objects in the system. The BDK provides a mechanism to enable and disable these business rules...a customer can configure whether a manager's approval is required to register for a class. Similar business rules can be handled for other types of applications," paragraph 0301) as claimed.

Per claim 2:

The rejection of claim 1 is incorporated, and further, Helgeson teaches that the rule set is included within the configuration file ("Using the AccessorReader for the configured system, the local object is extracted into a stream in a system specific XML format," paragraph 0871) as claimed.

Per claim 3:

The rejection of claim 2 is incorporated, and further, Helgeson teaches that the configuration file is expressed in XML syntax (“Using the AccessorReader for the configured system, the local object is extracted into a stream in a system specific XML format,” paragraph 0871) as claimed.

Per claim 4:

The rejection of claim 3 is incorporated, and further, Helgeson teaches that the common base class includes a rules engine that implements a predetermined rules-based scripting language, the rules engine including methods for selecting and executing the rule set(paragraphs 1160; 0301) as claimed.

Per claim 5:

The rejection of claim 4 is incorporated, and further, Helgeson teaches that the rules engine implements a callback function for calling a selected one of the loaded software components to perform a predetermined function (“EJB provides “hooks” or callback methods for implementing additional types of business logic,” paragraph 0416) as claimed.

Per claim 6:

The rejection of claim 4 is incorporated, and further, Helgeson teaches that the rules engine is arranged to receive a reference and to pass the reference to a component in connection with a callback to identify a resource to the called component (“EJB provides “hooks” or callback methods for implementing additional types of business logic,” paragraph 0416) as claimed.

Per claim 7:

The rejection of claim 4 is incorporated, and further, Helgeson teaches that the rules engine implements a process rule type which encapsulates a selected set of children rules into a group for calling such group by a single name (“To prevent vendor-specific implementation details from migrating into SABA code, the BDK would provide a class Sabaj2EEVendor that provides a wrapper around vendor-specific implementations... in Sabaj2EEVendor ... getInitialContext(), which encapsulates the logic for getting an initial context (at present, the mechanism for this is vendor-dependent). To use a particular vendor's implementation of J2EE specifications, one will have to provide implementations of the methods in this class,” paragraph 0370) as claimed.

Per claim 8:

The rejection of claim 4 is incorporated, and further, Helgeson teaches that the rules engine implements a Component rule type which makes calls automatically against all components of a specified type (paragraphs 0282; 0309 and 1116) as claimed.

Per claim 9:

The rejection of claim 4 is incorporated, and further, Helgeson teaches that the rules engine implements a Variable rule type which allows a string value to be associated

with a name (“The Value element defines the value against which a specific property is compared. It can contain a literal string, which is compared directly against literal properties, or against a container property using one of the container operations,” paragraph 1027; A literal is a property value that is a simple string (including possibly XML markup) or other primitive datatype,” paragraph 1008) as claimed.

Per claim 10, this claim is another version of the claimed method discussed in 4, wherein all claim limitations also have been addressed and/or covered in cited areas as set forth the above.

Per claim 11:

The rejection of claim 10 is incorporated, and further, Helgeson teaches that

- a RuleSet rule type to make a runtime selection among multiple rule sets within a single component (“Using the AccessorReader for the configured system, the local object is extracted into a stream in a system specific XML format,” paragraph 0871)
- an Instruction rule type that makes a callback into the associated component to perform a predetermined function (“EJB provides “hooks” or callback methods for implementing additional types of business logic,” paragraph 0416);
- a Resource rule type providing identification of data/argument to pass into a callback (paragraphs 273; 0416);
- a Process rule type which encapsulates a selected set of children rules into a group, thereby enabling more than one of such rules to be called by a single

name("To prevent vendor-specific implementation details from migrating into SABA code, the BDK would provide a class Sabaj2EEVendor that provides a wrapper around vendor-specific implementations... in Sabaj2EEVendor ... getInitialContext(), which encapsulates the logic for getting an initial context (at present, the mechanism for this is vendor-dependent). To use a particular vendor's implementation of J2EE specifications, one will have to provide implementations of the methods in this class," paragraph 0370);

- a Variable rule type which allows a string value to be associated with a name("The Value element defines the value against which a specific property is compared. It can contain a literal string, which is compared directly against literal properties, or against a container property using one of the container operations," paragraph 1027; A literal is a property value that is a simple string (including possibly XML markup) or other primitive data type," paragraph 1008);
- an Acquire rule type to facilitate obtaining a selected Resource for use in later rules processing (paragraph 0869)
- a Release rule type to explicitly de-allocate memory previously allocated to a selected resource (paragraph 0859)
- and a Component rule type which makes calls against components of a specified type(paragraphs 0282; 0309 and 1116).

Per claim 12, it is the rules based scripting language version of claim 11, respectively, and is rejected for the same reasons set forth in connection with the rejection of claim 11 above.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Insun Kang whose telephone number is 703-305-6465. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kakali Chaki can be reached on 703-305-9662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IK
7/9/2004

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